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FEDERAL MARITIME COMMISSION

# Memorandum

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OFFICE OF THE SECRETARY  
FEDERAL MARITIME COMM

TO : Bryant L. VanBrakle

DATE: January 30, 2004

FROM : A. Paul Anderson, Commissioner

PA

SUBJECT : Meeting Regarding Docket No. 03-15, Ocean Common Carrier and Marine Terminal Operator Agreements **Subject to the** Shipping Act of 1984

On January 30, 2004, I met via telephone conference call with Eliot J. Halperin, Counsel with Manelli Denison & Selter, PLLC, at his request, to hear the views of his client Trans-Net, Inc., a non-vessel-operating common carrier (NVOCC), on the proposed transshipment rule changes in Docket 03-15. My counsel Lucille A. Streeter was also present for the call.

Mr. Halperin stated that Trans-Net supports the proposed transshipment rule and will expand on this position in written comments to be filed with the Commission. He voiced his opinion that the Commission has two goals with regard to transshipments, with one being that vessel-operating common carriers (VOCCs) can exercise flexibility in their operations, and the other being the need of various parties involved, including the Commission, to know what is actually going on in transshipment arrangements. Mr. Halperin stated that in his view, the Commission is trying to balance these two goals in the proposed rule.

Mr. Halperin stated that Trans-Net acts as a shipper in connection with transshipments, and as such wants to know what is going on with the cargo. Trans-Net supports transparency in transshipment movements, as it is not always clear who is carrying the cargo due to VOCC space sharing arrangements. Trans-Net wants VOCCs to file space charter agreements so that everyone will be aware of what is actually happening with these movements. Mr. Halperin argued that requiring VOCCs to file these agreements with the Commission is not burdensome to the carriers. Mr. Halperin stated that Trans-Net wants the FMC to adopt the proposed transshipment rule.

I stated that the Commission is looking at the transshipment issue closely and has an open mind. I concluded the meeting by stating that I appreciated having the opportunity to hear

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the views of Trans-Net regarding the impact of the proposed rule on its operations